



Gifts, Benefits and Hospitality Policy

CSV Strategic Plan Statement

Victorian courts and the Victorian Civil and Administrative Tribunal (VCAT) have a clear and important responsibility to administer justice fairly, transparently, impartially and with integrity.

The courts and VCAT have an opportunity to lead Victoria's justice system to be innovative, forward-thinking and world leading. This vision is best achieved by working collectively and collaboratively.

Court Services Victoria (CSV) provides the means to achieve this collective ambition by providing high-quality, responsive administration services and is accountable to Courts Council for doing so.

Courts Council has identified five priorities that will guide CSV's actions over the next five years (refer to [Court Services Victoria Strategic Plan 2022-2025](#)). In delivering these priorities, CSV strives to deliver integrated services for the community that respond to the needs of the users, through excellence in our processes, technology, and people.

This policy connects the Strategic Plan with the organisational priorities for our employees to strive for the highest ethical standards, and building confidence and trust with our stakeholders and the Victorian community.

Purpose

The purpose of this policy is to set out the expectations of CSV employees, contractors (including labour hire) and consultants to avoid conflicts of interest and maintain high levels of integrity and public trust when:

- ♦ responding to offers of gifts, benefits and hospitality; and
- ♦ providing gifts, benefits and hospitality.

Scope

This policy applies to all CSV employees, contractors (including labour hire) and consultants.

For ease of reading, in this policy the term 'employee' is used to cover anyone the policy applies to, as set out above, regardless of their employment or engagement status.

Legislative and policy context

This policy should be read in conjunction with:

- ♦ *Public Administration Act 2004* (Vic)
- ♦ *Financial Management Act 1994* (Vic)
- ♦ [Instructions supporting the Standing Directions 2018 under the *Financial Management Act 1994*](#)
- ♦ Victorian Public Sector Commission (VPSC) [minimum accountabilities for managing gifts, benefits and hospitality](#)
- ♦ [CSV Conflict of Interest and Declaration of Private Interests Policy](#)
- ♦ [CSV Making and Handling Public Interest Disclosures Policy](#)
- ♦ [VPS Supplier Code of Conduct](#)

- ◆ [Code of Conduct for Victorian Public Sector Employees 2015](#) (Code of Conduct).

Principles

This policy has been developed in accordance with the following principles:

Public interest

- ◆ When carrying out their official function, employees have a duty to place the public interest above their private interests.
- ◆ Employees will not solicit (seek) any gift, benefit or hospitality, for themselves or others, if the offer could reasonably be seen as connected to their employment or work with CSV.
- ◆ Employees will not accept gifts, benefits or hospitality that could raise a perception of bias or preferential treatment.
- ◆ Employees will not accept offers from those whom they are likely to make business decisions about.

Accountability

- ◆ Employees are accountable for declaring all non-token offers of gifts, benefits and hospitality.
- ◆ Employees are accountable for declining non-token offers of gifts, benefits and hospitality, or where an exception applies under this policy, seeking approval to accept the offer.
- ◆ Employees are accountable for the responsible provision of gifts, benefits and hospitality.
- ◆ Managers are accountable for modelling good practice and promoting awareness of gifts, benefits and hospitality policies and processes.

Integrity

- ◆ Employees will strive to earn and sustain public trust through providing or responding to offers of gifts, benefits and hospitality in a manner that is consistent with community expectations.
- ◆ Employees act with integrity and impartiality and will refuse any offer that may lead to an actual, perceived or potential conflict of interest.

Risk-based approach

- ◆ CSV will ensure gifts, benefits and hospitality risks are appropriately assessed and managed through policies, processes and governance mechanisms.
- ◆ Managers will ensure they are aware of the risks inherent in their team's work and functions and actively monitor the risks to which their direct reports are exposed.

Policy Statement

When performing our public duties, it is vital that decision-making is impartial as this helps to maintain the public's trust in CSV and to prevent corruption. How we make and respond to offers of gifts, benefits and hospitality is critical to earning and sustaining the trust of those we serve.

Offers of Gifts, Benefits and Hospitality

The following section provides guidance on 'integrity tests' and outlines the process for accepting, declining and recording offers of gifts, benefits and hospitality. Any exception to this process must have the prior written approval of the relevant CSV1 or CSV2/MCV2 authorised delegate (refer to HR Instrument of Delegation).

Conflict of interest and reputational risks

When deciding whether to refuse or accept an offer, employees should first consider if the offer could be perceived as influencing them in the performance of their duties or lead to reputational damage.

The more valuable the offer, the more likely that a conflict of interest or reputational risk exists.

Employees should consider the GIFT Test outlined in Figure 1 below when offered a gift, benefit or hospitality.

Figure 1: GIFT Test

G	Giver	<p>Who is providing the gift, benefit, or hospitality and what is their relationship to me?</p> <p>Does my role require me to select suppliers, award grants, regulate industries or determine government policies?</p> <p>Could the person or organisation benefit from a decision I make?</p>
I	Influence	<p>Are they seeking to gain an advantage or influence my decisions or actions?</p> <p>Has the gift, benefit or hospitality been offered to me publicly or privately?</p> <p>Is it a courtesy or a token of appreciation or a valuable non-token offer?</p> <p>Does its timing coincide with a decision I am about to make?</p>
F	Favour	<p>Are they seeking a favour in return for the gift, benefit or hospitality?</p> <p>Has the gift, benefit or hospitality been offered honestly?</p> <p>Has the person, group or organisation made several offers over the last 12 months?</p> <p>Would accepting it create an obligation or feeling of obligation, to return a favour?</p>
T	Trust	<p>Would accepting the gift, benefit or hospitality diminish public trust?</p> <p>How would the public view acceptance of this gift, benefit or hospitality?</p> <p>What would my colleagues, family, friends or associates think?</p>

When should individuals refuse an offer?

Offers are classified in this policy as **token (worth less than \$50)** and **non-token (worth \$50 or more)**.

Employees **must refuse any offer:**

- ◆ likely to influence them or be reasonably perceived to influence them in the course of their duties or raise an actual, potential or perceived conflict of interest
- ◆ where it could compromise the public’s trust in the impartiality of CSV or the public sector
- ◆ by a person or organisation about which they will likely make a decision in the foreseeable future (also applies to the exercise of quasi-judicial powers, processes involving grants, sponsorship, regulation, enforcement or licensing)
- ◆ which could reasonably be seen as a bribe or inducement
- ◆ that extends to relatives or friends

- ◆ with no legitimate business reason
- ◆ that is not consistent with community expectations
- ◆ of money, or items used in a similar way to money, or items easily converted to money
- ◆ where, in relation to hospitality and events, CSV will already be sufficiently represented to meet its business needs
- ◆ where acceptance could be perceived as endorsement of a product or service, or acceptance would unfairly advantage that organisation in future procurement decisions
- ◆ if it is a repeat offer that could reasonably be seen as adding up to a conflict of interest
- ◆ from suppliers for free or discounted development opportunities where there is no legitimate business reason, that would not meet community expectations or may give rise to an actual or perceived conflict of interest
- ◆ made by a person or organisation with a primary purpose to lobby Ministers, Members of Parliament or public sector agencies
- ◆ made in secret
- ◆ that may be considered a breach of the Code of Conduct.

If an employee considers they have been offered a bribe or inducement, the offer must be reported to their manager, who should then report it to the relevant CEO.

Any criminal or corrupt conduct must be reported to Victoria Police and/or the Independent Broad-based Anti-Corruption Commission.

When can employees accept an offer?

Token offer (worth less than \$50)

Employees may accept a token offer if it passes the integrity tests detailed above. It is good to remember that 'thanks' is enough.

A token offer does not need to be declared and formal approval to accept does not need to be sought. A legitimate business reason to accept is not required and the employee is the owner of the gift, benefit or hospitality.

Non-token offer (worth \$50 or more)

All non-token offers must be declared even if declined. Employees must consider the integrity tests detailed above when presented with a non-token offer.

A non-token offer may be accepted where:

- ◆ it does not raise an actual, potential or perceived conflict of interest or have the potential to bring the individual, CSV or the public sector into disrepute; and
- ◆ there is a legitimate business reason for acceptance i.e., it is offered in the course of the employee's official duties, it relates to the employee's responsibilities and has a benefit to CSV, the public sector or the State.

All accepted non-token offers must be approved in writing by the employee's manager or authorised delegate. If there is no opportunity to seek written approval prior to accepting, the employee must seek approval within five business days.

Details of the offer and outcome are recorded on CSV's Internal Register and may also be published on CSV's Public Register.

Declaring a non-token offer

Employees must complete CSV's Gifts, Benefits and Hospitality Declaration Form (the Declaration Form) for all non-token offers of gifts, benefits and hospitality, **whether accepted or declined**.

The business reason for accepting a non-token offer must be outlined in sufficient detail on the Declaration Form to link it with your duties and the benefit to the organisation, the public sector or the State. The following are examples of acceptable and unacceptable business reasons:

- ◆ Unacceptable: networking, maintaining stakeholder relationships
- ◆ Acceptable: e.g. 'a visiting international delegation presented an employee with an official gift with an estimated value of \$200 and declining the gift would have likely caused offence. The gift was accepted, written approval was granted, and the gift became the property of CSV'.

The Declaration Form must be reviewed and approvals obtained as follows:

- ◆ for non-executive employees – the relevant CSV1 or CSV2/MCV2 authorised delegate (refer to HR Instrument of Delegation)
- ◆ for executive officers within a jurisdiction or CSV Corporate (excluding CEOs) – the relevant jurisdiction CEO (or the CSV CEO for CSV Corporate)
- ◆ for jurisdiction CEOs; the CEO, Judicial College; and the Director, Judicial Commission – the CSV CEO
- ◆ for the CSV CEO – the Chief Justice as Chair of Courts Council.

The completed and signed Declaration Form must be submitted to People Services (via CSV.GBH@courts.vic.gov.au) for recording on CSV's Internal Register. Some items will also be published on CSV's Public Register.

Exceptions to declaration rule

Occasionally employees may receive generic offers of non-token gifts or benefits – for example, SPAM emails or targeted emails to employees with offers to attend a seminar or webinar at a discount rate. Often generic offers may appear personalised which can make it difficult to determine if it is a generic offer.

Some questions for employees to consider in these circumstances include:

- ◆ Do I have a relationship with the person who sent the email?
- ◆ Do I have a relationship with the organisation who sent the email?
- ◆ Is the offer related to my work or the work of my area in the organisation?

If the answer to all of the above questions is 'no' then it is likely a generic offer.

Employees are not required to declare a generic non-token offer if it is refused. However if an employee wants to accept it, the 'integrity tests' and restrictions noted above apply.

Governance and compliance

CSV's Audit and Risk Committee receives a report at least annually on the administration and quality control of the Gifts, Benefits and Hospitality Policy, processes and Internal Register. The report includes a copy of the Internal Register, analysis of CSV's gifts, benefits and hospitality risks (including repeat offers from the same source and offers from business associates), risk mitigation and any proposed improvements.

As required under the VPSC's minimum accountabilities, the Gifts, Benefits and Hospitality Policy and the Public Register will be published on the CSV website. The public register will cover the previous financial year and be published within four months of each new financial year.

Ownership of gifts

Usually, a non-token gift belongs to the organisation. However, if the gift was given to a specific employee in recognition of their work or contribution, they may retain it provided that:

- ◆ it is not an official gift
- ◆ it is unlikely to bring them or the organisation into disrepute
- ◆ it would be consistent with community expectations, and

- ◆ the manager or appropriate delegate gives written approval.

Offers made in a personal capacity

It is normal for employees to receive offers of gifts, benefits and hospitality in their personal lives that are unconnected to their work.

Employees can accept these offers, provided they believe on reasonable grounds that the offers are made in a personal capacity.

If an employee is unsure whether an offer is being made in a personal capacity or because of their role within CSV, they should apply the 'integrity tests', consider the GIFT questions and follow this policy as they would in their professional capacity.

Provision of gifts, benefits and hospitality

This section sets out the requirements for providing gifts, benefits and hospitality.

Gifts, benefits and hospitality may be provided to welcome guests to facilitate the development of business relationships that are in the interests of CSV, or the State, to further public sector business outcomes and to celebrate achievements.

When deciding whether to provide gifts, benefits or hospitality or the type of gifts, benefits or hospitality to provide, employees should apply the ‘integrity tests’ in the section above and must ensure:

- ◆ any gifts, benefits or hospitality is provided for a business reason in that it furthers the conduct of official business or other legitimate organisational goals or promotes and supports government policy objectives and priorities.
- ◆ any costs are proportionate to the benefits obtained for CSV or the State and would be considered reasonable in terms of community expectations. The HOST Test is a good reminder of what to think about in making this assessment (refer to Figure 2 below).
- ◆ there is no actual, potential or perceived conflict of interest created.

Figure 2: HOST Test

H	Hospitality	<p>To whom is the gift or hospitality being provided?</p> <p>Will recipients be external business associates, employees, or a mixture of both?</p>
O	Objectives	<p>What is the business reason for providing the hospitality?</p> <p>Is the hospitality being provided to further the conduct of official business?</p> <p>Will it promote and support government policy objectives and priorities?</p> <p>Will it contribute to employee wellbeing and workplace satisfaction?</p>
S	Spend	<p>Will public funds be spent?</p> <p>Will the cost be proportionate to the benefits obtained?</p> <p>What type of hospitality will be provided?</p> <p>Will the hospitality be modest or expensive?</p> <p>If alcohol is to be provided, why? Would it be a courtesy or an indulgence?</p> <p>Is an external venue necessary or can our organisation host the event?</p> <p>Is the catering or hospitality proportionate to the number of attendees?</p> <p>Does the size of the event and number of attendees align with the intended outcomes?</p> <p>If a gift is to be given, is it symbolic rather than financial in value?</p>
T	Trust	<p>Will public trust be enhanced or diminished?</p> <p>Will the gift, benefit or hospitality be proportionate to public expectations or seen as excessive?</p> <p>Is there a conflict of interest?</p> <p>Could you publicly explain the rationale for providing the gift or hospitality?</p> <p>Will the event be conducted in a manner which upholds the reputation of the organisation and the public sector?</p> <p>Have records in relation to the gift or hospitality been kept in accordance with reporting and recording procedures?</p>

Procuring gifts, benefits or hospitality

When procuring hospitality and/or gifts, employees must comply with CSV's procurement rules. Please refer to the [Procurement space](#) on the intranet for more information.

Approval for providing gifts, benefits or hospitality is to be obtained in accordance with relevant CSV Finance policies including:

- ◆ [Financial Authorisation Policy and Procedure](#)
- ◆ [Expenditure Policy and Procedure](#)
- ◆ [Purchasing Card Policy and Procedure](#)
- ◆ [Petty Cash Policy](#)
- ◆ any relevant jurisdiction-specific policies.

Please refer to the [Finance Hub](#) on the CSV intranet for more information.

Alleged breaches

CSV will respond to alleged breaches of this policy consistent with the relevant industrial instrument and legislation, the Code of Conduct and any other obligations that apply.

CSV will take a graduated approach to alleged breaches of this policy. The response will be fair, reasonable and proportionate. Matters may be dealt with:

- ◆ on an informal basis, for example, through education or counselling
- ◆ through a performance management process or similar
- ◆ through a misconduct process, if other methods are not appropriate.

A finding of misconduct may amount to a breach of the Code of Conduct. Serious misconduct can result in termination of employment.

Contractors may be subject to contract renegotiation or termination.

If a criminal offence may have occurred, the Victorian or Federal Police may investigate and prosecute.

For further information on managing a breach of this policy, contact the CSV Workplace Relations team via the [People Services Request Form](#).

Speak up

Employees who consider that gifts, benefits and hospitality or conflicts of interest within CSV may not have been declared or appropriately managed should speak up and notify their manager or the CSV Workplace Relations team.

Alternatively, if an employee believes corrupt or improper conduct is occurring, they can make a complaint directly to the Independent Broad-based Anti-corruption Commission or the Victorian Ombudsman. Sometimes this can occur on a whistle-blower basis as a public interest disclosure.

CSV will:

- ◆ actively support and protect employees who speak up in good faith
- ◆ take decisive action, including possible disciplinary action, against anyone who discriminates against or victimises an employee who speaks up in good faith
- ◆ respond in a constructive manner to the information provided.

Definitions

Term	Definition
Gifts	<p>Free or discounted items or services and any item or service that would generally be seen by the public as a gift. These include items of high value (e.g. artwork, jewellery, or expensive pens), low value (e.g. small bunch of flowers or low value voucher/gift card), consumables (e.g. chocolates) and services (e.g. painting and repairs).</p> <p>The value of a gift is the estimated monetary value of the item if it were not being provided either free or discounted.</p>
Benefits	<p>Preferential treatment, privileged access, favours or other advantage offered to an individual. They may include invitations to sporting, cultural or social events, access to discounts and loyalty programs and promises of a new job.</p> <p>The value of benefits may be difficult to define in dollars, but as they are valued by the individual, they may be used to influence the individual's behaviour.</p>
Hospitality	<p>The friendly reception and entertainment of guests. Hospitality may range from light refreshments at a business meeting to expensive restaurant meals and sponsored travel and accommodation.</p>
Business associate	<p>An external individual or entity that CSV has, or plans to establish, some form of business relationship, or who may seek commercial or other advantage by offering gifts, benefits or hospitality.</p>
Official gifts and items	<p>Includes official gifts and official items (items with cultural, ceremonial, religious, history, or other significance).</p> <p>Sometimes accepted or given on behalf of the organisation as part of business with official delegates or representatives of a community group, organisation, or government.</p> <p>Official gifts and items are declared and recorded regardless of their value and regardless of whether they were accepted or refused.</p>
Conflict of interest	<ul style="list-style-type: none"> • Actual: There is a <u>real conflict</u> between an employee's public duties and private interests. • Potential: An employee has private interests that <u>could conflict</u> with their public duties. This refers to circumstances where it is foreseeable that a conflict may arise in the future and steps should be taken now to mitigate that future risk. • Perceived: The public or a third party could <u>form the view</u> that an employee's private interests could improperly influence their decisions or actions, now or in the future.
Legitimate business reason	<p>Gifts, benefits and hospitality accepted or provided for a business purpose, in that it furthers the conduct of official business or other legitimate goals of CSV, the public sector or State.</p>

Term	Definition
Registers – Internal and Public	<p>Internal Register is an official internal register of gifts, benefits and hospitality offered to employees whether accepted or declined.</p> <p>The Internal Register is used to effectively monitor, assess and report on the VPSC minimum accountabilities and must meet the information requirements for the Public Register.</p> <hr/> <p>Public Register is a publicly available record of all non-token offers of gifts, benefits and/or hospitality, whether they were accepted or declined.</p> <p>The Public Register includes the date each non-token offer was made; the position of the recipient; the position and organisation of the person making each offer; whether the offeror is a business associate of the organisation (where possible); a description of each offer and its value; whether the offer was accepted or declined; if accepted, the business reason for doing so.</p> <p>CSV’s public register is available on its website – Gifts, Benefits and Hospitality Policy Court Services Victoria</p>
Token offer	<p>A gift, benefit or hospitality that is offered as a courtesy or is of inconsequential or trivial value to both the person making the offer and the recipient (e.g. a promotional pen or light refreshments offered during a meeting).</p> <p>A token offer cannot be worth more than \$50 and would not be reasonably perceived to influence an individual nor raise an actual, potential or perceived conflict of interest.</p>
Non-token offer	<p>An offer of a gift, benefit or hospitality that is, or may be perceived to be by the recipient, the person making the offer or the wider community, of more than inconsequential value. All offers worth \$50 or more are non-token offers and must be recorded on the Registers.</p>

Version control

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